

REMARKS

In response to the Office Action dated June 13, 2006, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Claims 1-20 are pending in the application. Applicant thanks the Office for the detailed yet succinct analysis presented in the Office Action.

The §102 Rejections

Claims 1-4, 7-13, and 15-20 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Pub. No. 2002/0183059 to Noreen et al. (hereinafter, "Noreen"). Applicant respectfully traverses the rejections.

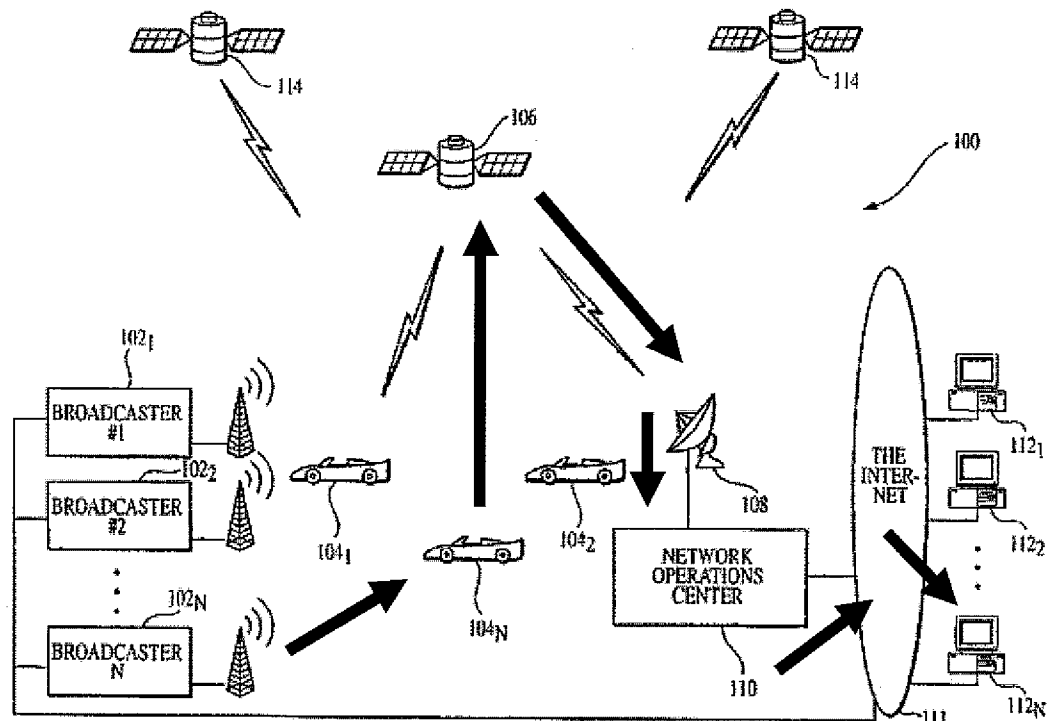
Claim 1 recites a receiver, comprising (emphasis added):

- an input portion configured to receive a first signal transmitted by a first transmitter;
- a processor in communication with the input portion for converting the first signal to an audio signal, the processor further comprising a control module for processing an input command;
- a user interface in communication with the processor, wherein the user interface is configured to receive the input command and to convey the input command to the processor;
- a control module executed by the processor for processing the input command and generating a query in accordance with the input command; and
- a network interface in communication with the processor configured for facilitating communication between the receiver and the first transmitter via a network, *wherein the query is communicated from the receiver to the first transmitter via the network.*

In making out a rejection of claim 1, the Office states that Noreen discloses all of the elements of the claim, including "a network interface in communication with the processor configured for facilitating communication between the receiver

1 and the first transmitter via a network, *wherein the query is communicated from*
2 *the receiver to the first transmitter via the network*". (Office Action of 06/13/06, p.
3 2-3) (emphasis added). With due respect to the Office's viewpoint, Applicant
4 disagrees.

5 In stating that Noreen discloses that "the query is communicated from the
6 receiver to the first transmitter", the Office cites to paragraph 0046 of Noreen, as
7 well as Figures 13-14. Applicant submits, however, that the cited portions of
8 Noreen fail to teach such an element. For proper understanding of Noreen's
9 disclosure, Noreen's Figure 1 is reproduced below and includes Applicant-inserted
10 bolded arrows that correspond to the direction of signal broadcasts, as described
11 by Noreen in paragraph 0046 and discussed below by Applicant.



1 As described by Noreen, Figure 1 illustrates a radio network 100 wherein
2 signals broadcast by land-based radio broadcasters 102_{1-N} (300 in Figs. 13 and 14)
3 are received by mobile units (320 in Figs. 13 and 14) mounted within vehicles
4 104_{1-N}. A user of the mobile unit may then transmit commands *"from the mobile*
5 *unit[] via a communication satellite 106 to an interactive radio network ground*
6 *station 108, which forwards the commands to an interactive radio network*
7 *operations center 110."* In response to these commands, the operations center 110
8 provides information feedback to the users via computer network 111, with the
9 information *"being received at individual [user] computers...or other interface*
10 *device 112."* (Noreen, page 5, paragraph [0046]) (emphasis added).

11 Noreen's Figures 13 and 14, cited by the Office, also correspond to the
12 above description of the Noreen disclosure. As shown below in the reproduced
13 figures, communication between broadcaster 300 and mobile unit 320 moves from
14 the broadcaster toward the mobile unit. Applicant respectfully submits, however,
15 that the Office has not shown Noreen to disclose communication in the opposite
16 direction. In fact, Applicant points out that the arrows between these components
17 dictate that no such communication exists, as all arrows point *from* broadcaster
18 300 and *to* mobile unit 320.

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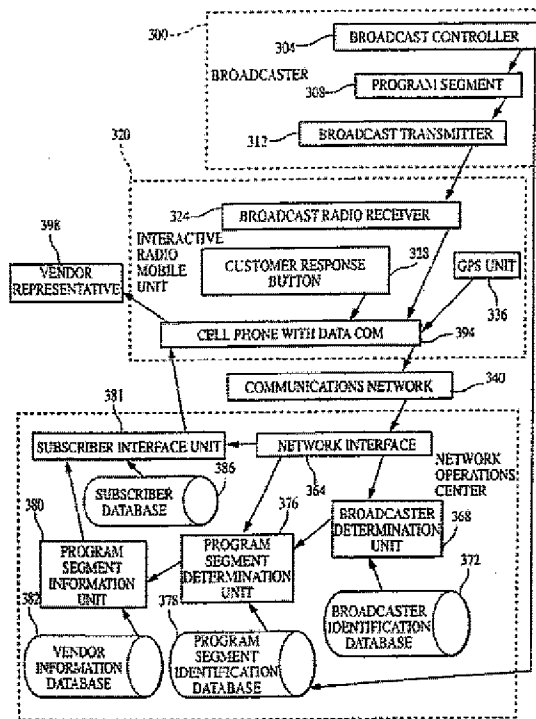


FIG. 13

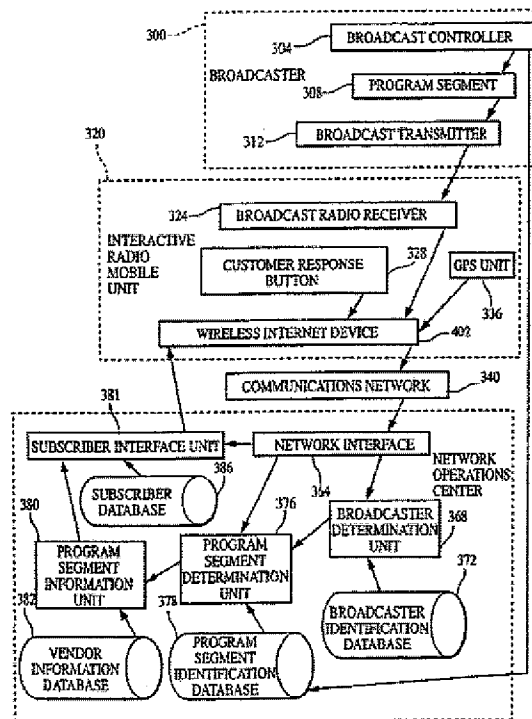


FIG. 14

1 Thus, even assuming without conceding that the Office correctly identifies
2 Noreen's broadcaster 300 as Applicant's first transmitter and Noreen's mobile unit
3 320 as Applicant's receiver, Applicant submits that the rejection would still be
4 improper for failing to disclose a "query [that] is communicated from the receiver
5 to the first transmitter via the network". As described above and shown in Figure
6 1, Noreen *at most* describes a *one-way communication path* between broadcaster
7 300 and mobile unit 320, with communication consisting of transmission of
8 broadcast signals *from* broadcaster 300 *to* mobile unit 320. Because the cited
9 portions of Noreen are entirely devoid of communication in the opposite direction,
10 there is no "query" *from* the mobile unit directed *to* the broadcaster. The Office
11 therefore fails to show how Noreen discloses "wherein the query is communicated
12 from the receiver to the first transmitter via the network", as recited in Applicant's
13 claim.

14 Applicant therefore submits that the Office fails to show how Noreen
15 discloses all of the elements of Applicant's claim 1, as is required to state a *prima*
16 *facie* case of anticipation. For at least this reason, Applicant respectfully requests
17 the rejection to be withdrawn.

18 **Claims 2-4 and 7-9** depend from claim 1 and are allowable as depending
19 from an allowable base claim. These claims are also allowable for their own
20 recited features which, in combination with those recited in claim 1, are neither
21 disclosed nor suggested in Noreen.

22 **Independent claim 10** stands rejected by the Office under the same
23 rationale as discussed above in regards to claim 1. Thus, this claim is allowable for
24 at least the reasons discussed above in Applicant's discussion of claim 1. More
25 specifically, Applicant respectfully submits that the Office fails to show how

1 Noreen discloses “wherein the receiver is configured to establish a *two-way*
2 *communication path* with the digital radio broadcast transmitter via a network”, as
3 recited in Applicant’s claim. (emphasis added). Applicant also notes that claim 10
4 has been amended for the sole purpose of streamlining prosecution.

5 **Claims 11-13 and 15-18** depend upon claim 10 and are allowable as
6 depending from an allowable base claim. These claims are also allowable for their
7 own recited features which, in combination with those recited in claim 10, are
8 neither disclosed nor suggested in Noreen.

9 **Independent claim 19** stands rejected by the Office under the same
10 rationale as discussed above in regards to claim 1. Thus, this claim is allowable for
11 at least the reasons discussed above in Applicant’s discussion of claim 1. More
12 specifically, Applicant respectfully submits that the Office fails to show how
13 Noreen discloses “transmitting the query from the receiver to the digital radio
14 broadcast station via a network; and in response to the query, receiving a response
15 to the query from the digital radio broadcast station at the receiver”, as recited in
16 Applicant’s claim. (emphasis added).

17 **Claim 20** depends upon claim 10 and is allowable as depending from an
18 allowable base claim. This claim is also allowable for its own recited features
19 which, in combination with those recited in claim 19, are neither disclosed nor
20 suggested in Noreen.

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22 **The §103 Rejections**

23 **Claims 5-6 and 14** stand rejected under 35 U.S.C. § 103(a) as being
24 unpatentable over Noreen in view of U.S. Patent No. 6,686,880 to Marko et al.
25 (hereinafter, “Marko”). These claims ultimately depend on claims 1 and 10,

1 respectively. As discussed above, Applicant submits that the rejection of claims 1
2 and 10 are improper, and Marko is not cited to remedy the rejection's infirmities.
3 Thus, these claims are allowable as depending from an allowable base claim.
4 These claims are also allowable for their own recited features which, in
5 combination with those recited in claims 1 and 10, are neither disclosed nor
6 suggested in Noreen or Marko, either singly or in combination.

7
8 **Conclusion**

9 The Applicant respectfully requests reconsideration and withdrawal of the
10 rejections of claims 1-20 and favorable action on the subject application. If any
11 issue remains unresolved that would prevent allowance of this case, the Examiner
12 is requested to contact the undersigned agent to resolve the issue.

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15 Date: 12 September 2006

Respectfully Submitted,

By: 

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